



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/618,093      | 07/11/2003  | John Boyle           | WEAT/0403           | 3821             |

7590 06/23/2008  
William B. Patterson  
MOSER, PATTERSON & SHERIDAN, L.L.P.  
Suite 1500  
3040 Post Oak Blvd.  
Houston, TX 77056

|          |
|----------|
| EXAMINER |
|----------|

BEACH, THOMAS A

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3671

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

06/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/618,093 | <b>Applicant(s)</b><br>BOYLE, JOHN |  |
|                              | <b>Examiner</b><br>THOMAS A. BEACH   | <b>Art Unit</b><br>3671            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,10-17,51,54-71 and 73-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,10-17,51,54-71 and 73-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 5, 10, 11, 13, 14, 51, 58, 61-62, 69-71, 73, 74, 77, and 80-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lima 6,079,498 in view of Hicks 6,012,878. Lima shows method of intervening in a pipeline, having providing a pipeline 14/15/16 for transporting fluid flow from an offshore well to a location 20 (claims 58, 61, 71 80, and 82, storage site or vessel, col. 5, lines 60+); diverting the fluid flow to a storage site 34; and intervening in the pipeline 28/40/45 (fig 2-3) with interfaces 12/29 (col. 6, lines 26+), but does not show inserting a tap into the existing pipeline and diverting fluid through the tap. However, Hicks show a similar subsea pipeline where inserting a tap into the existing pipeline and diverting fluid through the first and second taps 20 & 28 (claims 74 and 81) to obviate a damaged portion 12 of the pipeline (fig 1) that will may get a pig stuck (claims 14, 51, 62, 70 and 78; col. 4, lines 20+) causing blockage between the well and storage site (claim 73) capable of having coiled tubing inserted. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lima, as taught by Hicks, to include the hot tap

for the expected result of being able to quickly and effectively fix damage to the subsea pipeline after in position, thus preventing extensive costs and long down time.

As concern claim 2, the combination (Lima) shows the well is underbalanced.

As concern claim 5, the combination (Lima) shows the tap is capable of being inserted into the pipeline between the well and the storage site (fig 7).

As concern claims 10, 69, and 77, the combination (Lima) shows intervening in the pipeline occurs downstream with respect to initial fluid flow through the pipeline to the location from the diverting of the fluid flow to the storage site (fig 2-3).

As concern claims 11 and 55, the combination (Lima) shows intervening in the pipeline comprises removing blockage of the fluid flow within the pipeline (col. 5 lines 60-65) with interfaces 12/29.

As concern claims 13 and 57, the combination (Lima) shows removing blockage comprises drilling into the pipeline and physically removing the blockage (fig 1).

2. Claims 1, 2, 5, 10, 11, 13, 14, 51, 58-62, 66-71, 73-78, and 80-82 are rejected under 35 U.S.C. 102(b) as being anticipated by Kluth 3,602,302 in view of Hicks 6,012,878. Kluth shows method of intervening in a pipeline, having providing a pipeline 192/193 for transporting fluid flow from an offshore well to a location; diverting the fluid flow to a storage site; and intervening in the pipeline where the diverting and the intervening are accomplishes from the same location of an offshore tanker/vessel 10 with a moon pool and skid deck (claims 59, 60, 75, 76, 80, 82) capable of lowering coiled tubing (fig 3; claims 66-70), but does not show inserting a tap into the existing pipeline and diverting fluid through the tap. However, Hicks show a similar subsea

Art Unit: 3671

pipeline where inserting a tap into the existing pipeline and diverting fluid through the first and second taps 20 & 28 (claims 74 and 81) to obviate a damaged portion 12 of the pipeline (fig 1) that will may get a pig stuck (claims 14, 51, 62, 70 and 78; col. 4, lines 20+) causing blockage between the well and storage site (claim 73) capable of having coiled tubing inserted. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kluth, as taught by Hicks, to include the hot tap for the expected result of being able to quickly and effectively fix damage to the subsea pipeline after in position, thus preventing extensive costs and long down time.

As concern claim 2, the combination (Kluth) shows the well is underbalanced.

As concern claim 5, the combination (Hicks) shows the tap is inserted into the pipeline between the well and the storage site.

As concern claims 10, 65, and 77, the combination shows intervening in the pipeline occurs downstream with respect to initial fluid flow through the pipeline to the location from the diverting of the fluid flow to the storage site (fig 6).

As concern claims 11 and 55, the combination (Hicks) shows intervening in the pipeline comprises removing blockage of the fluid flow within the pipeline.

As concern claims 13 and 57, the combination (Hicks) shows removing blockage comprises drilling into the pipeline and physically removing the blockage.

3. Claims 15-17, 54, 55, 57, and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lima 6,079,498 and Hicks 6,012,878 alone, or Kluth 3,602,302 and Hicks 6,012,878 alone.

As concern claims 14-17 and 63-65, Lima and Kluth shows a process capable of intervening for removing a pig stuck in the pipeline and damage to the pipeline where descaling or removing paraffin from within the pipeline with drilling are obvious known equivalents where analysis of buildup is needed to maintain production (claim 54) since innately if there is a blockage some for of analysis was used to figure this problem existed.

4. Claims 12, 56, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lima 6,079,498 and Hicks 6,012,878 or Kluth 3,602,302 and Hicks 6,012,878, as applied to claims 11, 55, and 78 above, further in view of Hansen EP 1184537. The combinations do not show injecting acid via coiled tubing; however, Hansen shows a similar passage clearing device similar to Lima/Kluth/Hicks having the feature of injecting an acid to remove blockages (scaling) and stimulating the well, thus rendering this method as well known in the petroleum art in which risers and coiled tubing are functional equivalents. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination, as taught by Hansen, to include coiled tubing injection to improve the versatility of the apparatus of removing blockages by having alternate means to perform this operation at remote locations.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

/Thomas A Beach/  
Primary Examiner, Art Unit 3671

June 25, 2008

**THOMAS A. BEACH**  
**Primary Examiner**  
**Group 3600**